

REMARKS

In a telephone conference of March 28, 2005, Applicant's attorney discussed briefly the status of this application and the claims, specifically claims 5, 7, and 11. As Applicant notes further herein, claim 5 has been previously allowed, and claims 7 and 11 objected to as depending on a rejected base claim. Claims 7 and 11 were rewritten to secure allowance as indicated in a previous Office Action mailed September 16, 2004. No new art has been cited. Applicant continues to maintain that the claims are allowable, and requests another telephone conference with the Examiner, once the Examiner has had the opportunity to review the remarks herein, in order to move this application to a quick allowance.

The gripping head of the present claims is clearly different than any gripping head in Hayashi et al. The present claims contain positive limitations that are not and cannot be met by either Hayashi et al., or by any combination of Balsom and Hayashi et al. Applicant refers to its numerous explanations of the differences between Hayashi et al.'s transport mechanism and the claimed transport mechanism, that are contained at least in Applicant's office action responses dated April 16, 2003; October 30, 2003; July 26, 2004; and November 12, 2004. Applicant can find no mention anywhere in Hayashi et al. of its alleged gripping head providing each of the limitations that are present in the rejected claims. In short, there is no teaching or suggestion in Hayashi et al. that any gripping head in Hayashi et al. holds its discs in a *fixed relative position* while they are gripped by the gripping head. The discs in Hayashi et al. clearly flop around any gripping head, and this is manifestly different from the recited claim limitations. Applicant would welcome the opportunity to discuss this further with the Examiner.

Claim Rejections

Claims 6, 11 and 32 were rejected to because of informalities. The claims have been amended per the Office Action suggestions.

Claim Rejections Under 35 U.S.C. § 103

Claims 5, 11 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Balsom (U.S. Patent No. 5,592,596) in view of Hayashi et al. (U.S. Patent No. 6,304,525).

Applicant respectfully traverses this rejection.

In a previous Office Action, mailed September 16, 2004, claims 5 and 11 were allowed (claim 5) or indicated as allowable if rewritten in independent form (claim 11). Claim 5 was not amended in the latest office action response mailed November 12, 2004. Claim 11 was rewritten to contain all of the limitations of its base claim and intervening claims. The Office Action mailed September 16, 2004, stated “the prior art of record fails to teach or fairly suggests that the compact disc processing system includes a selection mechanisms coupled to a plurality of disc trays for selectively moving the plurality of disc trays such that the first compact disc can be placed in the selected disc tray for storage.” No new art was cited in the current Office Action.

The Office action asserts that element 45 of Balsom is both “a transporter carriage 45 for holding the first compact disc ...” and “a selection mechanism 45 coupled to the plurality of disc trays 48 for selectively moving the plurality of disc trays ...” While the arm 45 of Balsom may be able to manipulate cartridges 48, it is not coupled to the plurality of cartridges 48. In fact, the cartridges are referred to in Balsom as “stored in the device and retrieved by the cartridge retrieval arm or mechanism 45” (see col. 2, lines 28-30). This is different from the recitation in claim 1 of the selection mechanism being coupled to the plurality of disc trays.

Further, the Office Action asserts that Hayashi et al. shows the claim 5 recitation that “first and second compact discs are held in fixed relative positions coextensive along a common axis in different planes.” Applicant strongly disagrees. First, if the Office Action is asserting that the entire carriage 9 of Hayashi et al. is a single gripping head, then it is clear from looking at Hayashi et al. that the recitation of holding the first and second discs in *fixed relative positions* is not met, since each alleged “gripping head” then comprises multiple trays 8 in between which a disc flops around during inversion, that is, the disc is flipped from one tray 8 to another tray 8, and therefore does not maintain a fixed relative position.

If in contrast the Office Action is asserting that the carriage is element 8, then there is no single gripping head that holds two discs, since each disc in Hayashi et al. is required to be held by two elements, and those two elements are separate from two other elements that hold a second disc. Also, the limitation of the discs being held in a *fixed relative position* is once again not

met, since the discs clearly flop around between the two portions of the alleged single gripping head. Applicant submits that there is no reading of Hayashi et al. that shows “a single gripping head rotatable about a horizontal axis and having first and second gripping locations each for respectively holding the first and a second compact disc simultaneously, such that the first and second compact discs are held in fixed relative positions coextensive along a common axis in different planes while the first and second compact discs are engaged by the gripping head.” No interpretation of Hayashi et al. reads on the clear and unambiguous claim language. Therefore, no combination of Balsom and Hayashi et al. teaches, discloses, or suggests the limitations of the present claim. Applicant respectfully submits that claim 5 is and remains allowable. Claim 33 depends from and further defines patentably distinct claim 5 and is also believed allowable.

Claim 11 contains similar language that is also wholly unsupported by Hayashi et al. or any interpretation thereof, and therefore contains limitations not met by any combination of Balsom and Hayashi et al. Applicant respectfully submits that claim 11 is and remains allowable.

Claim 7 was also indicated as allowable in the Office Action mailed September 16, 2004. Claim 7 was rewritten to contain all of the limitations of its base claim and intervening claims. Claim 7, too, contains the limitations of claims 5 and 11 regarding the maintenance of the discs in a fixed relative position that is wholly unsupported by Hayashi et al., or by any combination of Balsom and Hayashi et al. Applicant therefore respectfully submits that claim 7 is and remains allowable.

Allowable Subject Matter

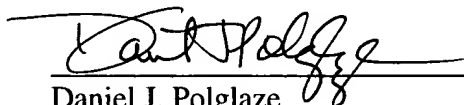
Claims 6, 32 and 34 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant submits that claim 6 is an independent claim, and as it is indicated as containing allowable subject matter, requests that it be allowed. Claims 32 and 34 depend from and further define patentably distinct claim 5 and are also believed allowable.

CONCLUSION

Applicant respectfully requests reconsideration of the rejections of the claims, and submits that all claims are clearly in condition for allowance. Applicant requests further that should the Examiner disagree with Applicant's position, that Applicant be granted a telephone conference to further discuss the claim limitations, and how they differ from the cited art. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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